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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,184	08/23/2001	Walter F. Anderson	CM04882H	1947

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,184

Applicant(s)

ANDERSON ET AL.

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08232001</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 12-18 have been considered.

Election/Restrictions

5 Claims 1-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions. Election was made **without** traverse in the reply filed on 5/12/05.

Claim Rejections - 35 USC § 102

10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

 Claims 12-13 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mulford, U.S. Patent No. 5,301,232.

20 As per claim 12, the applicant describes a method comprising the following steps which are met by Mulford:

 a) receiving, by the key delivery device, one or more key management messages including indicia of respective target communication devices that are to receive the key management messages (Col 4, lines 17-44);

25 b) operably connecting the key delivery device to one or more candidate encryption devices (Col 4, lines 17-44);

 c) determining, by the key delivery device upon connecting to the one or more candidate encryption devices, which ones of the candidate encryption devices are target encryption devices (Col 4, lines 45-67);

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d) delivering, from the key delivery device, one or more key management messages to the candidate encryption devices determined by the key delivery device to be target encryption devices (Col 4, lines 45-67);

Mulford discloses a key delivery device (KMC- 306 of Fig 3) which sends rekeying information out to a plurality of encryption devices (400 of Fig 3). If the KMC does not receive an acknowledgment response from the encryption devices that they have received the new key, the KMC monitors incoming messages for use of the old key by encryption devices which are now candidate devices for a rekey. A connection is made when a candidate device (which may or may not be a target device) connects to the KMC and sends a management messages including an ID of the device to the KMC (parts a and b).

When the IDs of the candidate devices are received from the connection between the candidate device and the KMC, the KMC checks to determine which devices are allowed to receive the rekey information and which are not allowed to receive the rekey information for reasons such as the device ID being registered as stolen (part c). The KMC then sends the rekey information to the target devices (part d).

As per claim 13, the applicant describes the method of claim 12, which is met by Mulford, with the following limitations which are also met by Mulford:

a) determining, by the key delivery device upon connecting to the one or more candidate encryption devices, which ones of the candidate encryption devices are not target encryption devices (Mulford: Col 4, lines 45-67);

b) not delivering key management messages to the candidate encryption devices determined by the key delivery device not to be target encryption devices (Col 4, lines 45-67).

As per claim 17, the applicant describes the method of claim 12, which is met by Mulford, with the following limitations which are also met by Mulford:

a) determining a target destination identifier associated with the encrypted key management message (Col 4, lines 17-67);

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b) delivering the encrypted key management message to a target communication device corresponding to the target destination identifier (Col 4, lines 17-67).

As per claim 18, the applicant describes the method of claim 17, which is met by Mulford, with the following limitation which is also met by Mulford:

Wherein the step of receiving an encrypted key management message comprises receiving a key management message frame including a key management message field and a target destination field, the key management message field including the encrypted key management message and the target destination field including an encrypted target destination identifier, the step of determining a target destination identifier being accomplished by decrypting the encrypted target destination identifier (Col 4, lines 17-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinbrenner, U.S. Patent No. 5,093,860, in view of Gilhousen, U.S. Patent No. 4,613,901.

As per claims 12-15 and 17, these claims are rejected for the reasons given in the office action dated 12/18/00 for application number 09/387,546.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulford in view of Doiron, U.S. Patent No. 5,481,610.

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As per claims 14-15, the applicant discloses the method of claim 12, which is met by Mulford, with the following limitation which is met by Dorion:

Further comprising the step of displaying, by the key delivery device upon a successful delivery of
5 a key management message to a target encryption device, a message indicative of the successful delivery of the key management message to the target encryption device (Col 8, line 62 to Col 9, line 15);

Mulford discloses all the limitations of claim 12. Mulford also discloses that the KMC knows whether a rekey transmission is successful or unsuccessful (Col 4, line 67 to Col 5, line 2). However, Mulford does not disclose that the KMC displays a message indicating whether a transmission is
10 successful or unsuccessful to a screen.

Dorion discloses a similar rekeying system in which the key delivery device has a screen. When a key is delivered the user is able to tell if the delivery was a success. If the transfer is a success, "Good transfer" appears on the screen. If the transfer is not a success, nothing appears on the screen. If
15 nothing appears on the screen, a message indicative of unsuccessful delivery of a key is present to the user and the user will think that something went wrong in the key transfer.

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Dorion with those of Mulford and display a message indicative of a successful or unsuccessful transfer because doing so allows a user to know whether the key has been transferred.

20 Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulford in view of Press, U.S. Patent No. 5,745,572.

As per claim 16, the applicant describes the method of claim 12, which is met by Mulford, with the following limitation which is met by Mulford in view of Press:

25 a) decrypting the encrypted key management message, yielding an unencrypted key management message including a target destination identifier (Mulford: Col 4, lines 28-37; Press: Abstract);

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b) delivering the unencrypted key management message to a target communication device corresponding to the target destination identifier (Mulford: Col 4, lines 28-37);

Mulford discloses all the limitations of claim 12. Mulford also discloses a key tag, which is a key management message and a target destination identifier that is received by the KMC and used to
5 transmit a message, including the unencrypted key tag message, back to a candidate communication device which may be a target communication device. However, Mulford does not disclose that the key tag is encrypted and so does not meet part a since the key tag is sent in clear text (Col 3, line 67 to Col 4, line 4).

Press discloses a similar system in which the key tag is encrypted. Combining Press with
10 Mulford would simply mean the addition of encryption to the key tag and would meet all the limitations of the claim. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Press with those of Mulford and encrypt the key tag because doing so offers more security and less vulnerability to hackers to the system.

15

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
20 Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through
25 Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large, stylized initial "A".

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**